

ORDINANCE NO. 5386

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA AMENDING THE MUNICIPAL CODE BY  
AMENDING CHAPTER 17.04, AMENDING SECTION  
17.12.020, REPEALING SECTION 17.13.020, AND  
AMENDING CHAPTER 17.20 PERTAINING TO MOORING  
AND ANCHORING IN THE CITY OF SANTA BARBARA  
HARBOR DISTRICT

WHEREAS, research and data provided by the state of California indicate that abandonment of vessels on the beaches and in the navigable waterways of the state has increased dramatically in recent years;

WHEREAS, an area east of Stearns Wharf in Santa Barbara known historically as an open roadstead is a problem area for abandoned vessels;

WHEREAS, eighty-three vessels have sunk or were washed ashore between the years of 2001 and 2006 in waters held in trust by the City of Santa Barbara for the people of the state of California. These vessels harmed the environment, created public safety hazards and cost taxpayers approximately \$250,000;

WHEREAS, many grounded or sunk vessels have been untended, inoperable, abandoned craft, lacking traceable ownership documents;

WHEREAS, Santa Barbara County Grand Jury Reports have requested that the City of Santa Barbara consider addressing the abandoned-vessel problem within its jurisdictional waters; and

WHEREAS, the Santa Barbara Board of Harbor Commissioners and Santa Barbara City Council support implementation of a program intended to bring orderliness to the area where vessels anchor and moor east of Stearns Wharf, thereby reducing the number of vessels grounding and sinking.

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 17.04 of Title 17 of the Santa Barbara Municipal Code is amended to read as follows:

**17.04.10 Definitions.**

The following words and phrases shall have the meaning indicated, unless the context or usage clearly requires a different meaning:

**A. ANCHOR.** A heavy metal device, fastened to chain or line, designed to help hold a vessel in position.

- B. ANCHORING EQUIPMENT.** An Anchor, line or chain and associated gear that is retrievable, stowable, non-permanent ground tackle designed to engage the seafloor and through its resistance to drag maintain a vessel within a given radius.
- C. BERTH.** A water surface area, delineated by either floating or fixed dock structures, intended for the purposes of embarking, disembarking and the wet storage of boats. A Berth is also known as a "Slip."
- D. CITY APPROVED MOORING INSPECTOR.** An individual who, by satisfactorily demonstrating appropriate qualifications, has been included on a City-approved list of inspectors eligible to install, inspect and repair ground tackle for Mooring Permittees in the Santa Barbara Mooring Area.
- E. CITY PIER.** The City Pier is located adjacent to the Breakwater at the Southeastern end of Harbor Way in the Santa Barbara Harbor formerly known as the "Navy Pier."
- F. DINGHY.** A small boat used as a tender to a larger vessel. A Dinghy is also known as a "Skiff."
- G. DISCHARGE.** To spill, leak, pump, pour, emit, empty, dump, deposit, or throw.
- H. DOCK.** A platform, either floating or fixed, provided in a marina for the wet storage of a boat and pedestrian access to and from the boat.
- I. DOCKAGE.** The daily rate assessed a vessel which ties up to any wharf or pier in the Harbor.
- J. FLOAT.** A wharf, pier, quay or landing.
- K. GROUND TACKLE.** All equipment used for Mooring or anchoring a vessel securely to the seafloor.
- L. HARBOR.** The area depicted on Exhibit "A" attached to Chapter 17.20 generally bounded by and including Stearns Wharf on the east, the Breakwater on the south, the seawall abutting Harbor Way and the Harbor commercial area on the west, the concrete walkway and seawall along currently designated Marinas 2, 3 and 4 and including the area commonly known as West Beach on the north.
- M. HARBOR DISTRICT.** The entire Waterfront of the City, including all navigable waters and all tidelands and submerged lands, whether filled or unfilled, situated below the line of mean high tide, bounded by the limits of the City as now fixed or hereafter may be extended.
- N. HARBORMASTER.** The person designated by the Waterfront Director as the division manager of the Operations Division of the Waterfront Department.

**O. HARBOR PATROL SUPERVISOR.** The person designated by the Waterfront Director as the supervisor of the Harbor Patrol Officers in the Operations Division of the Waterfront Department.

**P. LIVE-ABOARD.** The use or occupancy of a Vessel for habitation on any four (4) nights during a seven (7) day period. The term does not include the vacation use of a Vessel, as defined in Section 17.18.090, by its registered owner and the owner's guests.

**Q. MARINA.** A connected system of slips in the Harbor.

**R. MARINE SANITATION DEVICE.** Equipment on board a Vessel that is designed to receive, retain, treat, process, or discharge sewage.

**S. MINIMUM GROUND TACKLE SPECIFICATIONS.** The specifications for Ground Tackle used to moor a vessel, attached as Attachment "A" to the Resolution of the Council of the City of Santa Barbara Establishing Minimum Ground Tackle Specifications and Procedures for Installing, Inspecting and Repairing Moorings in the Santa Barbara Mooring Area, as may be amended from time to time by the Harbor Commission, with which all vessels intending to moor in the City of Santa Barbara Mooring Area must comply.

**T. MOORING.** An Anchor, chain, buoy, pendant, snubber, chafing gear and associated equipment, not typically stowed or carried aboard a vessel when underway, used to engage the seafloor and through its resistance to drag maintain a vessel within a given radius.

**U. MOORING INSPECTION REPORT.** A City form on which a City-Approved Mooring Inspector provides the results and recommendations of a Mooring Inspection.

**V. MOORING PERMIT.** An annual non-transferable Mooring Site rental agreement issued by the Waterfront Director to a Mooring Permittee to place a Mooring and vessel in a Mooring Site in the Santa Barbara Mooring Area.

**W. MOORING SITE.** A designated location within the Santa Barbara Mooring Area assigned by the Waterfront Director through a Mooring Permit to a Mooring Permittee for purposes of Mooring a vessel.

**X. OPERABLE.** A vessel's ability to maneuver safely under its own power from any place in the Harbor District to the open waters of the Pacific Ocean and back to its point of origin.

**Y. RODE.** All gear, collectively, that lies between a boat and its Anchor.

**Z. SANTA BARBARA MOORING AREA.** The area located in the City of Santa Barbara tidal waters east of Stearns Wharf as depicted on the reference map attached as Exhibit "A" to Chapter 17.20.

**AA. SEASONAL ANCHORAGE.** The area depicted on the reference map attached as Exhibit “A” to Chapter 17.20.

**BB. SEWAGE.** Human body wastes and the wastes from toilets and other receptacles intended to receive or retain body waste.

**CC. SLIP.** A docking space for a vessel within the Harbor.

**DD. SLIP PERMIT.** A slip rental agreement issued by the Waterfront Director to a Slip Permittee to berth a vessel in a slip in the Santa Barbara Harbor.

**EE. SPECIAL ACTIVITY MOORING PERMIT.** A Mooring Permit issued by the Waterfront Director to individuals, organizations and governmental entities found to be operating research, scientific, clean-up or other functions necessary to the long-term health and operation of the Harbor District and marine environment, or critical to the safety, welfare and protection of persons and assets within the Harbor District.

**FF. STEARNS WHARF.** The Wharf structure and all of its improvements located at the foot of State Street.

**GG. TRANSFER FEE.** The fee charged for the transfer of the Waterfront Department's records of ownership interest of a Vessel and the permit for the slip it occupies.

**HH. WATERFRONT.** The Harbor, Stearns Wharf, West Beach and all City owned or operated parking lots and related structures and facilities along Cabrillo Boulevard or Shoreline Drive within the City of Santa Barbara.

**II. WHARFAGE.** The hourly rate assessed any Vessel which uses or is tied up to any structure in the Harbor for the loading or unloading of merchandise, excluding the products of commercial fishing.

**JJ. YEAR-ROUND ANCHORAGE.** The area depicted on the reference map attached as Exhibit “A” to Chapter 17.20.

SECTION 2. Section 17.12.020 of Chapter 17.12 of Title 17 of the Santa Barbara Municipal Code is amended to read as follows:

**17.12.020 Notice of Departure from Harbor.**

Prior to departure from the Harbor all boat owners or operators shall report to the Waterfront Director if a slip is to be released, vacated or unoccupied for five (5) or more days.

SECTION 3. Chapter 17.13 of Title 17 of the Santa Barbara Municipal Code is amended by repealing Section 17.13.020 (“Boats Moored East of Stearns Wharf”).

SECTION 4. Chapter 17.20 of Title 17 of the Santa Barbara Municipal Code is amended by amending Section 17.20.055 L, amending Section 17.20.010, amending Section 17.20.150, adding Section 17.20.255, adding Section 17.20.260 and adding Section 17.20.265 which read as follows:

**17.20.005 Slip Assignment Policy.**

**L. BERTHED VESSELS IN THE HARBOR MUST BE OPERABLE..**

**1. Berthed Vessels Must be Maintained as Operable Vessels.** Vessels berthed in the Santa Barbara Harbor must be continuously maintained in an Operable condition. If, at any time, based upon the appearance of the vessel, inspection by the Waterfront Director, or other facts, the Waterfront Director determines that a vessel is not Operable, the Waterfront Director shall give notice to the Slip Permittee requiring the Slip Permittee to demonstrate that the vessel is Operable within fifteen (15) days of the date of the notice. If the Slip Permittee does not demonstrate Operability of the vessel within the fifteen (15) day period, the Slip Permit shall be terminated and the vessel shall be removed.

**2. Exception - Vessels Not Designed.** Vessels that had assigned slips in the Santa Barbara Harbor on September 9, 1980, and which, on that date, were not designed so as to be Operable, shall be exempt from the operation of this section until transfer of the Slip Permit.

**17.20.010 Permission to Moor, Anchor, Berth or Dock Required.**

It is unlawful for any person to Moor, Berth, Dock or Anchor any vessel in any part of the Harbor District, except anchoring in the Seasonal and Year-Round Anchorage areas depicted in Exhibit "A" attached hereto, without first obtaining permission to do so from the Waterfront Director. The Waterfront Director may refuse permission to Moor, Berth, Dock, or Anchor a vessel in the Harbor District when the Waterfront Director determines it is in the interest of public health, safety or the protection of the environment, assets or resources of the City to do so.

**17.20.150 Payment of Slip and Mooring Fees.**

**A. DEPOSIT FOR SLIP PERMITS.**

**1. Amount of Deposit Required.** A deposit equal to two (2) months' slip permit fees shall be paid with the first monthly slip permit fee payment.

**2. Deposit Increase.** At the discretion of the Waterfront Director, Slip Permittees may be required, upon thirty (30) days written notice, to increase the deposit set out above in 17.20.150 A. 1, if the slip permit fees have been increased and the existing deposit does not equal two (2) months' slip fees.

**B. PAYMENT PROCEDURE FOR SLIP PERMIT FEES.**

Slip permit fees in an amount established by resolution of the City Council shall be due and payable monthly, in advance.

**C. PAYMENT FOR MOORING PERMITS.**

Mooring Permit fees in an amount established by resolution of the City Council shall be due and payable on the date of Mooring Permit issuance and annually thereafter on the date of renewal.

**17.20.255 Santa Barbara Mooring Area.**

**A. MOORING OF VESSELS IN THE HARBOR DISTRICT.**

**1. Unlawful Mooring in Harbor District.** It is unlawful to place, erect, construct or maintain a Mooring in any area of the Harbor District without a current and valid Mooring Permit issued by the Waterfront Director or without the express permission of the Waterfront Director.

**2. Unlawful Anchoring in Santa Barbara Mooring Area.** It is unlawful for any person having charge of a vessel to Anchor a vessel in the Santa Barbara Mooring Area without express permission of the Waterfront Director.

**B. MOORED VESSELS MUST BE OPERABLE.**

**1. Unlawful to Moor Inoperable Vessels.** It shall be unlawful to Moor a vessel in the Santa Barbara Mooring Area that is not Operable.

**2. Moored Vessels Must be Maintained as Operable Vessels.**  
Vessels assigned to a Mooring Site in the Santa Barbara Mooring Area must be continuously maintained in an Operable condition. If, at any time, based upon the appearance of the vessel, inspection by the Waterfront Director, or other facts, the Waterfront Director determines that a vessel is not Operable, the Waterfront Director shall give notice to the Mooring Permittee requiring the Mooring Permittee to demonstrate that the vessel is Operable within fifteen (15) days of the date of the notice. If the Mooring Permittee does not demonstrate Operability of the vessel within the fifteen (15) day period, the Mooring Permit shall be terminated and the Mooring and vessel shall be removed from the Santa Barbara Mooring Area as required in the Mooring Permit Rules and Regulations. Vessels issued Special Activity Mooring Permits may be exempt from this provision, based on a determination of exemption by the Waterfront Director.

**C. SANTA BARBARA MOORING AREA USE AND REGULATIONS.**

**1. Use of Mooring Sites.** The Santa Barbara Mooring Area is divided into separate designated Mooring Sites. Mooring Sites shall be used only for the Mooring of Operable Vessels and Dinghies by vessel owners who have been issued a Mooring Permit by the Waterfront Director. Mooring Sites shall not be used for

commercial purposes without the express permission of the Waterfront Director. Mooring Permittees shall at all times use the Mooring Site in compliance with the Mooring Permit, Minimum Ground Tackle Specifications, this Chapter and all local, state and federal rules. Failure to comply with all rules and regulations shall be cause for termination of a Mooring Permit.

**2. Mooring Permit Administration.**

a. Mooring Permits may be issued by the Waterfront Director in accordance with the Procedures for Conducting Lotteries for the Assignment and Issuance of Mooring Permits and the Mooring Permit Rules and Regulations adopted by Resolution of the City Council of the City of Santa Barbara.

b. Special Activity Mooring Permits may be issued by the Waterfront Director.

c. Mooring Permit, Term. A Mooring Permit shall be issued for a period of one year and may be renewed annually thereafter by the Waterfront Director.

d. A Mooring Permittee Shall Hold No More Than One Permit. No person shall at any time be issued or hold more than one Mooring Permit.

e. Slip Permittees Not Eligible for Mooring Permits. Slip Permittees in Santa Barbara Harbor are not eligible for assignment of Mooring Permits in the Santa Barbara Mooring Area and Mooring Permittees in Santa Barbara Mooring Area are not eligible for Slip Permits in Santa Barbara Harbor either through assignment or transfer, unless one of the permits is relinquished prior to issuance of the other permit.

f. Transfer of Permit. Mooring Permits are not transferable or inheritable.

g. Rental of Mooring Sites Prohibited. It shall be unlawful for any person issued a Mooring Permit to rent or lease (whether or not for compensation paid or other value), sublease or loan a Mooring Site to any other person or entity.

**3. Termination of Mooring Permit.** Mooring Permits may be terminated either by the Waterfront Director or the Mooring Permittee as provided in the Mooring Permit Rules and Regulations. Upon termination of the Mooring Permit, the vessel and Mooring shall be removed from the Santa Barbara Mooring Area in accordance with the Mooring Permit Rules and Regulations.

**4. Failure to Timely Remove A Vessel or Mooring From the Santa Barbara Mooring Area.** If the Mooring is not removed within the time provided for such removal in the Mooring Permit Rules and Regulations, title to the Mooring shall vest in the City. The City may, thereafter, remove and sell or dispose of the Mooring and recover the removal, storage or disposal costs from the Mooring Permittee. If the Mooring Permittee fails to pay such cost, the Waterfront Director may collect such costs in any court of competent jurisdiction or may recover any costs from the proceeds of sale of the Mooring. Vessels not removed from the Mooring Site within the time provided in the Mooring Permit Rules and Regulations shall be impounded by the City and subject to storage fees, disposal or lien sale proceedings as provided by law.

**5. Appeal of Mooring Permit Termination.** A Mooring Permittee may appeal a Mooring Permit termination to the Harbor Commission, whose decision shall be final. Any appeal must be submitted in writing stating the grounds for appeal and

filed with the City Clerk's Office within ten (10) days of the date of notification of Mooring Permit termination.

**D. MOORING INSTALLATION REQUIREMENTS AND ANNUAL INSPECTION.**

**1. Mooring Installation.** If offered a Mooring Permit, an individual shall place a Mooring and vessel in the Mooring Site designated in the Mooring Permit within ninety (90) days of acceptance of the Mooring Permit offer. The Mooring placement shall be made in accordance with the Minimum Ground Tackle Specifications by a City Approved Mooring Inspector. If the Mooring and vessel are not timely placed in the Mooring Site or if the Mooring is not approved as required by the Mooring Permit Rules and Regulations, no Mooring Permit shall be issued.

**2. Mooring Position.** Any vessel moored in a Mooring Site within the City of Santa Barbara Mooring Area shall be firmly secured to a Mooring in such a manner as to prevent the vessel from drifting, dragging or otherwise moving off the Mooring Site. If the Waterfront Director determines that the migration of a vessel off the Mooring Site may cause an immediate threat or danger to life, property or the environment, the Waterfront Director may take action deemed necessary to abate such hazard. Any costs incurred by such abatement shall be borne by the Mooring Permittee.

**3. Mooring Inspections.** Moorings shall be inspected by a City Approved Mooring Inspector upon installation at the Mooring Site and annually thereafter on each anniversary date of the issuance of the Mooring Permit (or more frequently at the Permittee's option or as deemed necessary by the Waterfront Director) to determine compliance with Minimum Ground Tackle Specifications. The installation and inspection shall be performed in accordance with the Mooring Permit Rules and Regulations by a City Approved Mooring Inspectors at the Mooring Permittee's sole cost and expense.

**17.20.260. Anchoring Vessels Within the Santa Barbara Year-round and Seasonal Anchorages.**

**A. ANCHORING IN YEAR-ROUND ANCHORAGE AREAS.** Subject to compliance with the rules and regulations of the Waterfront Department, this Chapter, and all applicable state and Federal laws, vessels may Anchor at any time in the Year-Round Anchorage.

**B. ANCHORING IN SEASONAL ANCHORAGE AREAS.** Subject to compliance with the rules and regulations of the Waterfront Department, this Chapter, and all applicable state and Federal laws, vessels may Anchor in the Seasonal Anchorage during the months of April through October. It is unlawful to Anchor in the Seasonal Anchorage during the months of November through March.

**C. ANCHORED VESSELS MUST BE OPERABLE.** Vessels Anchoring in the Year-round or Seasonal Anchorages must be continuously maintained as Operable vessels. It shall be unlawful to Anchor a vessel in the Year-round or Seasonal Anchorage that is not Operable.



**17.20.265. Anchoring Vessels Within Waters of Harbor District Not Designated as Seasonal or Year-Round Anchorage.**

**A. UNLAWFUL ANCHORING.**

**1. Consent of Waterfront Director Required to Anchor Vessels in Harbor.** It shall be unlawful to Anchor a vessel in the waters of the Harbor at any time without the consent of the Waterfront Director.

**2. No Anchoring in Harbor District Except as Provided Herein.** It shall be unlawful to Anchor a vessel in waters of the Harbor District, other than those delineated on the reference map attached as Exhibit "A" to Chapter 17.20 as the Seasonal or Year-round Anchorages, between sunset and sunrise, without express permission of the Waterfront Director.

**B. ANCHORED VESSELS MUST BE OPERABLE.** Vessels Anchoring in any area of the Harbor District must be continuously maintained as Operable vessels. It shall be unlawful To Anchor a vessel in any area of the Harbor District that is not Operable.

SECTION 5. Section 17.24.080 and Section 17.24.100 of Chapter 17.24 of Title 17 of the Santa Barbara Municipal Code are amended to read as follows:

**17.24.080 Duration of Dockage.**

Dockage shall commence when a vessel enters the Harbor for the purpose of tying-up to any wharf or pier in the Harbor and ends when the vessel vacates the wharf or pier. No deduction shall be made for Saturdays, Sundays or holidays.

**17.24.100 Leaving Slip Prior to Payment.**

If any person leaves a slip, unless forced to do so by weather or fire, without first paying all fees due (unless such vessel is upon the credit dockage list), such vessel shall be placed upon the delinquent list, in which case it will not be permitted to use any slip without first paying all fees and late charges as established by resolution of City Council except by permission of the Waterfront Director.



# CITY OF SANTA BARBARA WATERFRONT DEPARTMENT

## EAST BEACH MOORING/ANCHORING PROGRAM

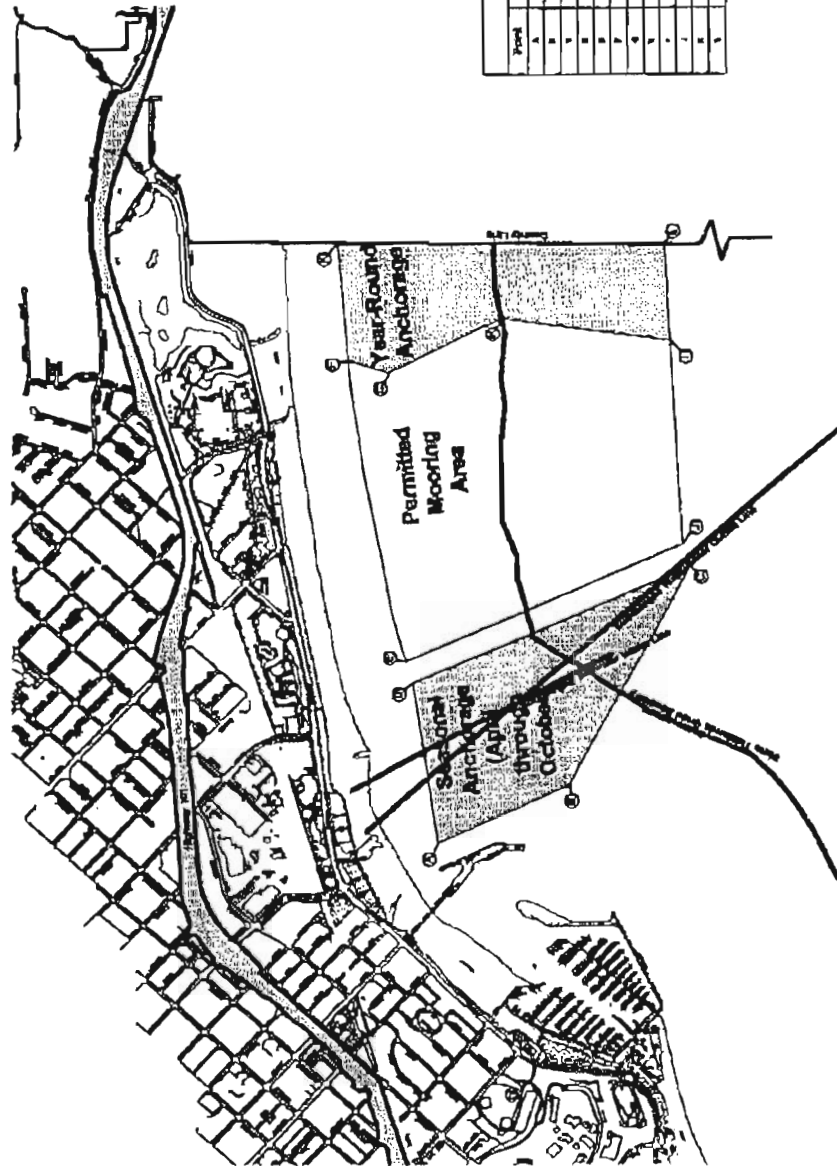
**Project Manager**  
A.P.M. 617-274-2099  
Fax: 617-274-2099  
E-mail: apm@citysb.org  
Website: www.citysb.org

**Project Director**  
City of Santa Barbara  
Waterfront Department  
1000 State Street, Suite 200  
Santa Barbara, CA 93102  
(805) 964-2099

**Project Description:**  
The East Beach Mooring/Anchoring Program is designed to provide a mooring system for privately owned vessels, and to provide a mooring system for the City of Santa Barbara. The program is designed to provide a mooring system for the City of Santa Barbara, and to provide a mooring system for privately owned vessels. The program is designed to provide a mooring system for the City of Santa Barbara, and to provide a mooring system for privately owned vessels.



Locality Map  
N.T.S.



Project Location  
Scale 1" = 700'

Project Boundaries		
Point	Latitude	Longitude
1	34° 42' 00" N	119° 42' 00" W
2	34° 42' 00" N	119° 42' 00" W
3	34° 42' 00" N	119° 42' 00" W
4	34° 42' 00" N	119° 42' 00" W
5	34° 42' 00" N	119° 42' 00" W
6	34° 42' 00" N	119° 42' 00" W
7	34° 42' 00" N	119° 42' 00" W
8	34° 42' 00" N	119° 42' 00" W
9	34° 42' 00" N	119° 42' 00" W
10	34° 42' 00" N	119° 42' 00" W
11	34° 42' 00" N	119° 42' 00" W
12	34° 42' 00" N	119° 42' 00" W
13	34° 42' 00" N	119° 42' 00" W
14	34° 42' 00" N	119° 42' 00" W
15	34° 42' 00" N	119° 42' 00" W

### EXHIBIT A

CITY OF SANTA BARBARA WATERFRONT DEPARTMENT		PROJECT NAME EAST BEACH MOORING/ANCHORING PROGRAM	SCALE 1" = 700'
PROJECT LOCATION City of Santa Barbara Waterfront Department		PROJECT NUMBER 1000	PROJECT DATE 10/1/00
PROJECT DESCRIPTION The East Beach Mooring/Anchoring Program is designed to provide a mooring system for privately owned vessels, and to provide a mooring system for the City of Santa Barbara. The program is designed to provide a mooring system for the City of Santa Barbara, and to provide a mooring system for privately owned vessels.		PROJECT STATUS 100%	PROJECT COST \$100,000

**ORDINANCE NO. 5386**

STATE OF CALIFORNIA                     )  
  )  
COUNTY OF SANTA BARBARA         ) ss.  
  )  
CITY OF SANTA BARBARA             )

I HEREBY CERTIFY that the foregoing ordinance was introduced on April 18, 2006, and was adopted by the Council of the City of Santa Barbara at a meeting held on April 25, 2006, by the following roll call vote:

AYES:                     Councilmembers Brian B. Barnwell, Iya G. Falcone, Roger L. Horton, Grant House, Helene Schneider, Das Williams; Mayor Marty Blum

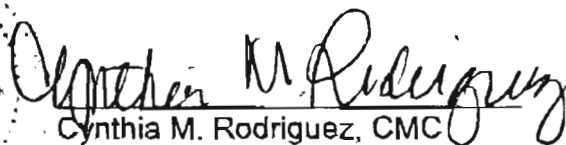
NOES:                     None

ABSENT:                     None

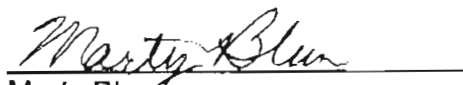
ABSTENTIONS:         None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on April 26, 2006.



  
Cynthia M. Rodriguez, CMC  
City Clerk Services Manager

I HEREBY APPROVE the foregoing ordinance on April 26, 2006.

  
Marty Blum  
Mayor